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Attorneys for Defendant  
CITY OF RICHMOND

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

MONICA RIVERA,

Plaintiff,

vs.

CITY OF RICHMOND, RITZIE  
TOLENTINO (#163), AMIT NATH  
(#105), and DOES 1 to 10, inclusive

Defendants.

Case No. 12-CV-5750 EDL

**STIPULATION AND ~~PROPOSED~~  
ORDER FOR FILING OF FIRST  
AMENDED COMPLAINT  
[FED. R. CIV. P. 15(A)(2)]**

WHEREAS Defendant City of Richmond filed a motion to dismiss the complaint on  
December 10, 2012; and

WHEREAS Plaintiff Monica Rivera filed an opposition to the motion to dismiss on  
December 21, 2012; and

WHEREAS the undersigned Parties, being all Parties who have appeared in the action,  
agree that the motion to dismiss may be withdrawn without prejudice and that Plaintiff may file a  
First Amended Complaint; Therefore

The Parties STIPULATE and AGREE as follows:

1. Pursuant to Fed. R. Civ. P. 15(a)(2), plaintiff may file a First Amended Complaint  
by January 18, 2013.

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2. The Motion to Dismiss the Complaint set for hearing on January 15, 2013 shall be taken off calendar without prejudice to Defendant's right to renote the motion in the event that no amended complaint is filed.

3. Defendant reserves its right to respond to the First Amended Complaint by motion or answer.

STIPULATED and AGREED:

Dated: November 28, 2012

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By: /s/ David B. Newdorf  
DAVID B. NEWDORF  
Attorneys for Defendant  
CITY OF RICHMOND

KESSLER LAW FIRM

By: /s/ Darren J. Kessler  
DARREN J. KESSLER  
Attorneys for Plaintiff  
MONICA RIVERA

**ORDER**

Pursuant to Stipulation, it is ORDERED that:

1. Plaintiff may file a First Amended Complaint by (and including) January 18, 2013;
2. The Motion to Dismiss the Complaint set for hearing on January 15, 2013 is taken off calendar without prejudice to Defendant's right to renote the motion in the event that no amended complaint is filed.

IT IS SO ORDERED.

Dated: December 31, 2012

  
HOV. ELIZABETH D. LAPORTE  
U.S. Magistrate Judge